

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA and STATE OF )	)	
INDIANA <i>ex rel.</i> JUDITH ROBINSON,	)	
	)	
Plaintiffs,	)	
v.	)	Case No. 1:13-cv-2009-TWP-MJD
	)	
INDIANA UNIVERSITY HEALTH, INC.	)	
f/k/a CLARIAN HEALTH PARTNERS, INC.,	)	
and HEALTHNET, INC.,	)	
	)	
Defendants.	)	

**UNITED STATES' NOTICE OF INTENT TO FILE  
STATEMENT OF INTEREST CONCERNING DEFENDANTS'  
MOTIONS TO DISMISS RELATOR'S SECOND AMENDED COMPLAINT**

The United States of America, a real party in interest in this litigation, *United States ex rel. Lusby v. Rolls-Royce Corp.*, 570 F.3d 849, 852 (7th Cir. 2009), submits this notice to inform the Court that it anticipates filing a Statement of Interest concerning an issue raised in the Defendants' Motions to Dismiss Relator's Second Amended Complaint. The Government respectfully requests that it be given ten days from the date Relator's response is due in which to file a Statement of Interest.

On June 20, 2016, Defendants Indiana University Health, Inc. f/k/a/ Clarian Health Partners, Inc. ("IU Health") and HealthNet, Inc. ("HealthNet") separately filed Motions to Dismiss Counts I and II of Relator Judith Robinson's Second Amended Complaint. One argument raised by IU Health in its Memorandum of Law in support of its motion is that the Anti-Kickback Statute's statutory exception for certain arrangements involving federally

qualified health centers<sup>1</sup> applies on the face of Relator's Complaint to some of the arrangements between IU Health and HealthNet that Relator alleges violate the Anti-Kickback Statute. (IU Health's Mem. in Supp. of Mot. to Dismiss Relator's Second Am. Compl. 17-19.) HealthNet expressly incorporated IU Health's arguments in its own Brief in support of its Motion to Dismiss. (HealthNet's Br. in Supp. of Mot. to Dismiss Relator's Second Am. Compl. 1-2.)

This argument raises an important issue concerning how this statutory exception is to be interpreted and applied in light of regulatory standards related to the exception that the Department of Health and Human Services has promulgated at the direction of Congress.<sup>2</sup> The Government has an interest in ensuring that this statutory exception to the Anti-Kickback Statute is interpreted and applied correctly.

The United States would like the opportunity to express the Government's view concerning this issue. The United States respectfully requests that the Court allow it ten days from Relator's response deadline in which to file an amicus brief or notify the Court that it no longer intends to do so.

Respectfully submitted,

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Civil Division

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United States Attorney

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<sup>1</sup> 42 U.S.C. § 1320a-7b(b)(3)(I).

<sup>2</sup> See Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108-173, § 431(b), 117 Stat. 2066, 2287 (2003); Medicare and State Health Care Programs: Fraud and Abuse; Safe Harbor for Federally Qualified Health Centers Arrangements Under the Anti-Kickback Statute, 72 Fed. Reg. 56,632 (Oct. 4, 2007).

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically on this 29th day of June, 2016, and is available to all parties of record through the Court's electronic filing system.

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